

Without Prejudice

BLANK ROME, LLP  
Attorneys for Non-party  
CONTI-AGRO NIGERIA LIMITED  
Thomas H. Belknap, Jr. (TB-3188)  
The Chrysler Building  
405 Lexington Ave.  
New York, NY 10174-0208  
tel: (212) 885-5000  
fax: (212) 885-5001  
tbelknap@blankrome.com

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JALAPA SHIPPING LIMITED,

Plaintiff,

-against-

SUNDERSONS LTD., et al.,

Defendants.

07 Civ. 8715 (RJH)

**DECLARATION OF OLAKUNLE  
OLABINTAN OF  
PLATINNUMHABIB BANK PLC,  
LAGOS, NIGERIA.**

I, OLAKUNLE OLABINTAN, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. I am employed as DEPUTY ASSOCIATE at PlatinumHabib Bank PLC, with an address of 707 Adeola Hopewell Street, PMB 80054, Victoria Island, Lagos, Nigeria.

2. On September 11, 2007 our customer Conti-Agro Nigeria Limited initiated a wire transfer in the amount of \$163,730.50. Unfortunately, due to an entry error made by the processing officer at the bank, the telex inadvertently stated that the transfer was being originated by Milan Nigeria Limited as ordering customer instead of Conti-Agro Nigeria Limited. This error arose because the processing officer was simultaneously dealing with another transaction for the account of Milan Nigeria Limited. Upon being notified of the mistake, our bank immediately sent instructions via SWIFT to our correspondent bank, Deutsche Bank Trust

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Companies America, New York, to amend the original telex to reflect the proper ordering customer as Conti-Agro Nigeria Limited.

3. We have acknowledged that this was an error on the part of the bank, and in this respect we sent a letter to Conti-Agro Nigeria Limited on October 26, 2007 in this respect. A true and accurate copy of this letter, signed by OLUDAYO SOKOYA, and JULIUS OKOTAKO, who hold the positions of EXECUTIVE ASSOCIATE and SENIOR VICE PRESIDENT respectively, is attached hereto as Exhibit A. Attached to that letter is a copy of the original instructions received from Conti-Agro Nigeria Limited to make this transfer, dated September 10, 2007 and stamped received by our bank on September 11, 2007. Also attached thereto is a copy of our original telex instructions, as well as a copy of our instructions to Deutsche Bank requesting that they amend the originator information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 4<sup>th</sup>, 2008.

**BANK PHB**  
59, Adeola Odeku Street  
Victoria Island Lagos.

